

2 America, North

Trade in America

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THE
PLAIN QUESTION
UPON THE
PRESENT DISPUTE
WITH OUR
AMERICAN COLONIES:

"The Parliament of Great Britain sits at the head of her extensive empire in two capacities: one as the local legislature of this island, providing for all things at home, immediately, and by no other instrument than the executive power—The other, and what I think her nobler capacity, is what I call her *Imperial Character*; in which, as from the throne of heaven, she superintends all the several inferior legislatures, and guides and controuls them all, without annihilating any."

Mr. BURKE's Speech on American Taxation, page 92.

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THE

PLAIN OF THE

THE

PRESENT DISTRICT

THE

AMERICAN COLONIAL



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1890

THE
PLAIN QUESTION,
&c. &c.

THE twelve American Provinces now in arms against the authority of the British Legislature, attribute all their disputes with this kingdom, to an arbitrary change in the mode of governing them, adopted in the *present* reign. Their friends take up the same ground, and execrate the conduct of those who first disturbed the social system of policy, by which they were formerly united to their Mother-Country. They tell us, that the ministers of George the Third, should have contented themselves with the commerce of the Colonies like their predecessors, and declare that the most despotic administration of former princes, recoiled at the bare idea of imposing a revenue upon America.

These assertions are very peremptory, yet as they are hazarded upon a subject of infinite

importance, it would certainly be wise to make some inquiry into the fact. To set this fact therefore in a clear light, is the business of the succeeding pages, and we shall soon see with what justice the Colonies have appealed to the sword, when we examine whether any power *whatever*, has been assumed over them since the Accession of George the Third, to which they were not subject under the most popular princes from the moment of their emigration.

This is a plain question, which the plainest reader will be able to determine, when he has perused the following little tract; and to keep the subject perfectly within his comprehension, I shall carefully avoid all metaphysical distinctions between the natural rights and the social claims of mankind. Distinctions which confound, however they may dazzle, and are more likely to bewilder the imagination in the labyrinths of error, than to direct the judgment in a journey after truth.

The Americans date all their grievances from the period of the late peace. " At the conclusion of the last war, (say they in their Letter to the People of Great Britain) a war rendered glorious by the abilities and integrity of
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of a Minister to whose efforts the British Empire owes its safety and its fame; at the conclusion of this war, which was succeeded by an inglorious peace, formed under the auspices of a Minister of principles, and of a family unfriendly to the Protestant cause, and inimical to liberty; we say, at this period, and under the influence of that man, a plan for enslaving your fellow-subjects in America was concerted, and has *ever since* been *pertinaciously* carrying into execution *."

Here, at the very commencement of their complaints, the Colonies make a most heavy charge against this country, in opposition to the notorious evidence of facts. For even admitting that the Stamp Act, the first great object of *ostensible* discontent in America, was really an oppressive innovation, still the *repeal* of this law could not be a *pertinacious adherence* to the plan for enslaving them. Nor was the right of taxing them afterwards revived in parliament, by the man of principles "inimical to freedom." No; it was revived under an administration chosen by the very

* See the proceedings of the Congress published in the Winter of the year 1774.

Minister, "to whose ability and integrity the British Empire owes its safety and its fame." It was revived in a Cabinet appointed by the Earl of CHATHAM, and this great statesman, in his conciliatory plan, expressly stipulates, that the Colonies, though entirely exempted from parliamentary taxation, should be required to make "a *free grant* to the King, his heirs and successors, of a certain *perpetual revenue*, subject to the disposition of the British Parliament." The Americans are sensible of this, and revere the noble Lord no longer, either on account of exalted talents, or elevated virtue; and indeed they have but little reason; for if they are not constitutionally taxable, the *compelled* payment of a *free grant*, is the worst of all oppressions, it is adding insult to injustice, and holding up the blessings of liberty to their view, to aggravate the misery of their chains.

The Duke of GRAFTON, so highly celebrated for his public and private virtues by the elegant pen of JUNIUS, was first minister when the claim of taxing America revived; and Lord CAMDEN, *the people's lawyer*, presided as High Chancellor of England. These great men nevertheless have condemned the

the measure in the severest terms during the present session, and declared, that from the beginning they *knew* it was not only highly illegal, but obviously pregnant with ruin to the general interests of the British Empire. Yet to this baneful measure the two patriotic lords *deliberately* lent the whole weight of their official influence, and never complained till they were out of place, that it was injurious to the happiness of their country.

The fate of the Colonies with respect to their present patrons is not a little peculiar, for the most distinguished champions of their cause have actually been the principal authors of every thing which they rank under the denomination of grievances. The MARQUIS of ROCKINGHAM framed the law for binding them *in all cases whatsoever*; and Mr. BURKE acknowledges in the 93d page of his last pamphlet *, that if they do not voluntarily contribute to the common exigencies of the empire, when regularly required, a power to impose a revenue upon them must be constitutionally lodged in the British Parliament. These celebrated politicians, however, reprobate Government for adopting their own immediate sentiments, and totally forget,

* Speech upon American Taxation.

that according to the opinion of the very Congress, the declaratory act instituted by themselves greatly exceeds all the other oppressions of America.—But to go on:

Prior to the period of the late peace, the Colonies affirm, that Parliament never attempted to make them subject to internal taxation. The direct reverse of this position is nevertheless the truth.

By an act passed in the 25th of Charles II. chap. 7th, a duty of 5 s. was laid upon every hundred weight of white sugar exported to foreign countries by the Colonists, or even sent from one colony to another.—Brown and muscavado sugars paid eighteen pence the hundred weight.—Logwood, five pounds.—Fustick, and all other foreign dying woods, sixpence.—Ginger, a shilling.—Indico, two-pence for every pound; and cotton wool, a halfpenny. By an act passed in the 7th and 8th of William and Mary, all American seamen are obliged to pay 6d. a year out their wages, to increase the revenue of Greenwich Hospital. The Post-office established in America, by an act passed in the 9th year of Queen Anne, was avowedly created for the purpose of a revenue, as may be seen in the preamble. In the first year of George
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the first, the duties imposed upon the commerce of the Colonies, are appropriated to particular uses; and even in the reign of his late Majesty, the Colonists were not only repeatedly taxed *, but the very nature of inheritance was changed among them by Parliament, that freeholds in descent might be subject to the demands of British creditors.

In reality, though it is become extremely fashionable among gentlemen who call themselves patriots, to celebrate the late reign by way of reflecting on the present, there are few periods of our history in which Parliament exercised *so* absolute an authority over the Colonies as under the government of George the Second. By an act passed in the 5th year of that king, chap. 22. the exportation of hats even from one colony to another, is prohibited by fine and confiscation. The

* See 3d George II. chap. 28th, laying a duty upon rice, and 5th of the same reign, chap. 29th, laying a duty upon American hops sent to Ireland. See also the 18th of the same reign, chap. 31st, imposing a tax of 6 d. a month upon all American seamen, for the benefit of Greenwich Hospital.

same act regulates the number of apprentices to be taken by every hatter, and ordains that no Negro shall be employed in the manufactory of hats under the penalty of 5 l. a month. By two other acts passed in the 23d and 30th years of his late Majesty, chapters 29 and 16, no mill or other engine for slitting or rolling of iron, or plating forges worked with a tilt hammer, or furnaces for making steel, are to be erected in the Colonies. An act passed in the 24th year of the same reign, chap. 53. restrains the legislatures of the several provinces from issuing paper money, or bills of credit, upon any pretence *whatsoever*; and another act dissolves the indentures of all servants who enlist as soldiers in the pay of his Majesty. These laws, if enacted in the present reign, would have made a capital figure on the Muster Roll of Grievances; but having been passed while the Colonies stood in need of our protection, they were submitted to without dispute, for the hour of resistance was postponed to the day of security.

The Colonies may abuse the indulgence, but they must not impose upon the understanding of the British Nation; and so little are they legally authorised to resist the parliamentary

mentary claim of taxing them, that they have not a legal power to tax *themselves* without the permission of parliament. The province of Massachusset's Bay *individually*, incurred a forfeiture of charter in the reign of Charles the Second, for exercising this power without proper authority, and so well aware were the Colonies *collectively*, of this circumstance, that in the year 1755, when a Congress assembled at Albany, to consider upon the best means of supporting the last war, a proposal was made to petition parliament, for *leave* to raise internal taxes, as the readiest mode of opposing the ravages of the common enemy. It is remarkable also, that this proposal was made by GENERAL SHIRLEY, the delegate from Massachusset's Bay, the first province which has risen in arms against the supremacy of the British Legislature.

The absurdity of the Colonies in representing the right of Parliament to tax them, as an oppressive stretch of power originating in the *present reign*, appears the more astonishing, when the injustice of the charge is so palpably open to refutation; but the farther we trace the progress of the dispute, the more we shall experience their unpardonable indifference to

truth. They affirm, that till the present reign, Parliament never exercised a power to bind them *in all cases whatsoever*.—Yet by an act passed in the 7th and 8th of William and Mary, all laws, usages, and customs *made, or to be made* in the Colonies, are declared utterly void, if they are repugnant to the laws of England. Is not this binding them, *in all cases whatsoever*? And the act is the more remarkable, because it did not pass in the time of an arbitrary Sovereign, but under the government of the very Prince to whom we are indebted for the glorious Revolution.

In what then has the system of the *present* reign, with regard to the Colonies, deviated from the benevolent system under which they declared themselves happy in former reigns; or where is the shadow of any innovation, either to palliate the resistance of the Americans, or to justify the complaints of their adherents in this kingdom?—We are indeed incessantly told of changes in the mode of governing America; but where are they to be found, while America preserved even the appearance of loyalty? The parliamentary right of binding her in all cases whatsoever, so far from originating under George the
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Third, was first declared by statute under the great deliverer William the Third; and the claim of taxation, so far from commencing in his present Majesty's reign, has been repeatedly exercised in six different reigns before his present Majesty was born.

But as there can be no taxation, nor indeed legislation, according to the modern language of America, where a people are not represented, it may possibly be said, that the power of subjecting the Colonies to a revenue, first exercised in the time of Charles the Second, and the claim of binding them in all cases whatsoever, first assumed by statute under William the Third, though obviously no innovations of the present reign, were nevertheless arbitrary exertions of our authority, which can receive no validity from the length of their usurpation. It may be observed, that the acquiescence of ages cannot sanctify any measure which was originally unjust, and that there is but little difference between the *continuance* of an oppression, and the *institution*.

To obviate these remarks therefore, the reader must be told, that the express condition upon which the first adventurers to our American Settlements were *permitted* to colonize, was to maintain a constant obedience

dience to the laws of England; and indeed it would have been highly absurd, as well as highly dangerous, if we had not, by a positive engagement of such a nature, rendered the provinces constantly dependent upon their Mother Country. The dominions of this nation were not bestowed upon them, for the mad purpose either of counteracting her interest, or resisting her authority. On the contrary, the advancement of her own welfare, the extension of her own power, were her grand inducements to people the new Empire, and the happiness of the emigrants, though always duly attended to, was still no more than a secondary object in the scale of political consideration.

On these accounts, wherever charters were granted, or other governments * established,

* The constitutions of the American Provinces are of three kinds, though a vulgar opinion prevails, that all the Colonies emigrated under charters; they are first, Royal Governments; secondly, Proprietary Establishments; and thirdly, Civil Corporations; yet the Congress contend for one *general* system of policy; nay, they insist upon it, in virtue of their *separate* rights, though the inhabitant of Connecticut has no more claim to the particular immunities of Maryland, than he has to the freedom of London, or any other Corporations in England.

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the Mother Country took proper care of her own supremacy, and expressly restrained the Colonies from the right of enacting any laws repugnant to the laws of England. Unlimited nevertheless as the power was, which she thus retained to herself, the original settlers of the several provinces not only *gladly*, but *gratefully* emigrated upon these terms, and even the first proprietor of the most flourishing settlement in British America (Pennsylvania), thought himself extremely happy in obtaining a grant of that territory, though subject in *direct terms* to the taxation of an English parliament*.

Such being the nature of the original compacts between this kingdom and the Co-

* The advocates of America have strenuously contended, that Pennsylvania was the only province *expressly* taxable by charter, and that the other Colonies were not subject to our acts of revenue, though restrained from making any law repugnant to the laws of England. The other Colonies, however, have now driven their champions from the poor asylum of this literal subterfuge ; for in assisting the Pennsylvanians to burst through the taxing clause of their charter, they are as guilty, as if such a clause actually existed in their own charters, and as punishable for supporting a crime in favour of their confederates, as if all the advantages expected from the commission of this crime accrued entirely to themselves.

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lonies, the taxes levied upon America in the time of Charles the Second, and the declaratory act of William the Third, are not only defensible by every rule of legal right, but by every principle of moral justice. Nothing therefore which was equitable in the days of these princes, can be inequitable in the days of George the Third ; and it either follows that the first emigrants, when they petitioned for lands, strangely thought it a *blessing* to be *oppressed* , or that their descendents have no just cause whatever to complain of oppressions under the government of his present Majesty.

The congress indeed seem perfectly aware of this argument, and never mention a syllable more of original compacts, than operates in their own favour. They are willing to seize upon all the privileges, but shudder at the thought of submitting to the restrictions ; hence when they are reminded that their ancestors promised unlimited obedience to the laws of the Mother Country, as a condition for her dominions at the time of their emigration, they indignantly spurn the idea of such an engagement ; they proclaim it repugnant to the spirit of constitutional freedom, and declare that however meanly the first emigrants might stipulate for them-

themselves, they derived no power from nature to bargain for the slavery of their posterity.

This is strange language from men who reckon the violation of original compacts, among the most atrocious acts of parliamentary despotism, and who affirm in the 27th page of their proceedings published in the year 1774, "that their forefathers participated in all the rights the people of Great Britain so justly boast, and carefully conveyed the same fair inheritance to them." But mark the inconsistency of this declaration.

For in the first place, if the ancestors of our modern Americans conveyed the fair inheritance of freedom so carefully to their posterity, as we are told by the Congress, why do the Colonies refuse to be taxed or bound in all cases whatsoever, by that power which exercised the same universal supremacy over their progenitors*?

And in the second place, if the engagements between their ancestors and the Mo-

* Some of the Colonies attempted to exercise powers repugnant to the terms of their emigration; and this was the reason why the universal supremacy of Parliament was asserted by statute, in the reign of William the Third.

ther Country, were repugnant to the spirit of constitutional liberty, whence is it they affirm that America was not only *always free*, but *always happy*, till the accession of his present Majesty? In fact, the parliaments of George the Third, had they been inclined to increase the authority of Great Britain over the Colonies, were utterly without the power. The mind of man could bind the Americans no farther than in *all cases whatsoever*, and this was done to LORD ROCKINGHAM's hands, though he blindly took the odium of the measure among the provinces, without producing any benefit to his country, and never once recollected, with all his boasted knowledge of the laws, that this measure had been adopted by the immortal founder of the Revolution.

The Congress, whenever they find themselves unable to convince our understanding, address themselves to our feelings, and pathetically ask, if any state of slavery can be more wretched, than where the people of a subordinate government are universally bound by the laws of a superior country? If our modern patriots were not determined to shut their eyes against the light of common sense, they would see that this was the unavoidable

able lot of subordination : They would see also, that it was a lot which the first emigrants to America considered as a very happy one. A lot which they supplicated when they applied for lands, and a lot under which the Congress themselves declare, that the benefits to both sides of the British Atlantic “ became in a short time so extraordinary, as to excite the astonishment ” of mankind *.

The American dominions of this kingdom were not inflicted as a punishment upon the original adventurers to the new world, they were conferred as a favour upon express stipulation ; if therefore the posterity of these adventurers prefer property in one part of the empire, to representation in another, the choice is their own ; and if from local circumstances it is impossible for them to be represented here, they have no right to be offended when the impossibility is voluntarily created by themselves.

The disaffected provinces talk of dying in the cause of liberty. They may live and be free even in their own sense of the word, by barely condescending to take up their residence

* See the Address of the present Congress to the people of Great Britain, dated July 6, 1775.

among

among us. Whenever they think proper to return, they are restored to all their native rights, they are Englishmen in England, and an Englishman is no more than an American in America. Here then is an immediate specific for every political disorder complained of by the Colonies; if they do not choose to adopt the remedy, they should quietly submit to the disease, and either honestly surrender our territories at once, or cheerfully submit to those conditions upon which they were originally granted to their ancestors.

Dreadful besides, as the universal supremacy of parliament appears thus suddenly to America, there is surely nothing more unreasonable in our binding the British dependencies wherever we think fit, than in their refusing to be bound wherever they think proper. The right of deciding upon the justice of laws must exist either in the country governing, or the country governed, and it is to the full as unlikely that the former should be tyrannical, as that the latter should be factious.

The Colonies themselves admit that they never had any occasion to complain of us till the last peace, though all who are conversant with their history must be sensible, that

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we have had many occasions to complain of them, long before the reign of his present Majesty. When therefore they address our passions with respect to the barbarity of exercising universal supremacy over them, we must oppose the bitterness of declamation by the testimony of fact; we must remember that this supremacy has existed from the first moment of *their* existence, and then compare the situation in which they *have* been, to the situation in which they *are*. Little more than a century has elapsed, since they emigrated a band of needy adventurers; they are now grown up into a mighty empire, and the universal supremacy of parliament must consequently be the direct reverse of oppression, as they have acquired such a degree of greatness under it, with a rapidity wholly unexampled in the annals of mankind.

The United Provinces are extremely fond of travelling into the gloomy regions of apprehension, and frequently ask, as the claim of universal supremacy leaves their property, freedom and lives at our mercy, what security they can possibly have against the abuse of so boundless a dominion? I shall answer them

them in a word, the best of all securities, our own interest; for we have nothing to gain by their distress, but every thing to hope from their prosperity. When we consider this evident truth therefore, and consider also that the parliaments of George the Third, were utterly unable to increase the power of the legislature over America, we must be convinced that the present quarrel does not arise from any change whatever in our system of American government, but from a material alteration in the circumstances of the Colonies. At the period of their first establishment, their rebellion was predicted by many able politicians. They wore, however, the appearance of loyalty, while they stood in need of our assistance; but the last peace having rescued them from the danger of a French enemy, they think our protection no longer necessary, and bring a groundless charge of tyranny against us, to extenuate the guilt of their own disaffection.

That a Guildhall mob, or a Mile-end meeting, should talk of alterations in our mode of governing the Colonies, is natural enough, and we only smile at the ignorance of plebeian patriotism. But when men who
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have filled the first employments of the state when lawyers of the most distinguished eminence, declare, for the express purpose of plunging their country in blood, that America was neither ever taxed, nor ever universally bound before the reign of George the Third, our ridicule insensibly turns into horror, and we shudder at such deplorable monuments of human depravity. It is impossible for such men to be uninformed upon so plain a question, for though the investigation of it has repeatedly shaken senates, no abilities are necessary to discover the truth, beyond the ordinary talents of a common attorney's clerk. Nothing more is requisite than to consult the statutes which are here pointed out, and to those statutes I refer, wherever the reader may be inclined to entertain the least suspicion of my veracity.

I cannot conclude this little tract without expressing some astonishment, that the patriots on our side of the Atlantic, who condemn the universal supremacy asserted by Parliament over the Americans, should feel no compassion whatever for millions of their fellow-subjects who are universally controlable by the same authority in other parts of the British dominions.—Jersey, Guernsey, Sark, Alderney, Man, Minorca, Gibraltar, the whole of our

West India islands, the whole of our settlements in the East, and finally the kingdom of Ireland, are all subject, without a murmur, to the supremacy of that very Legislature, which these gentlemen will not suffer to be supreme in the disaffected Colonies.

The opposition surely should consider this, and generously encourage the spirit of rebellion through the entire empire. The same principle which annihilates our supremacy over America, annihilates it over every other dependency which we claim in any other quarter of the globe, and crumbles the mighty state which we thought ourselves possessed of, to the narrow circumference of our own island. If we have no universal authority over the one, we cannot have any over the rest, and we have been for ages not only exercising the most barbarous tyranny on whole nations, but what is exceedingly strange, these nations have all the time imagined themselves enjoying every blessing of our justly envied constitution.

THE END.



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